

105TH CONGRESS
2D SESSION

S. 1589

To provide dollars to the classroom.

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 1998

Mr. HUTCHINSON (for himself, Mr. NICKLES, Mr. COVERDELL, Mr. SESSIONS, Mr. DEWINE, and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide dollars to the classroom.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Dollars to the Class-
5 room Act”.

6 **SEC. 2. DIRECT AWARDS OF CERTAIN EDUCATION FUNDING**
7 **TO STATES.**

8 (a) DIRECT AWARDS OF CERTAIN EDUCATION
9 FUNDING.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, for each fiscal year the Secretary

1 shall award the total amount of funds described in
2 paragraph (2) directly to States in accordance with
3 this subsection.

4 (2) APPLICABLE FUNDING.—The total amount
5 of funds referred to in paragraph (1) are all funds
6 not used to carry out paragraph (6)(B) for the fiscal
7 year that are appropriated for the Department of
8 Education for the fiscal year to carry out programs
9 or activities under the following provisions of law:

10 (A) Title III of the Goals 2000: Educate
11 America Act (20 U.S.C. 5881 et seq.).

12 (B) Title IV of the Goals 2000: Educate
13 America Act (20 U.S.C. 5911 et seq.).

14 (C) Title VI of the Goals 2000: Educate
15 America Act (20 U.S.C. 5951).

16 (D) The Educational Research, Develop-
17 ment, Disseminations, and Improvement Act of
18 1994 (20 U.S.C. 6001 et seq.).

19 (E) Titles II, III, and IV of the School-to-
20 Work Opportunities Act of 1994 (20 U.S.C.
21 6121 et seq., 6171 et seq., and 6191 et seq.).

22 (F) Section 1502 of the Elementary and
23 Secondary Education Act of 1965 (20 U.S.C.
24 6492).

1 (G) Part B of title I of the Elementary
2 and Secondary Education Act of 1965 (20
3 U.S.C. 6361 et seq.).

4 (H) Part A of title II of the Elementary
5 and Secondary Education Act of 1965 (20
6 U.S.C. 6621 et seq.).

7 (I) Part B of title II of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 6641 et seq.).

10 (J) Section 3132 of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C.
12 6842 et seq.).

13 (K) Title III of the Elementary and Sec-
14 ondary Education Act of 1965 (20 U.S.C. 6801
15 et seq.) (other than section 3132 of such title).

16 (L) Subpart 1 of part A of title IV of the
17 Elementary and Secondary Education Act of
18 1965 (20 U.S.C. 7111 et seq.).

19 (M) Subpart 2 of part A of title IV of the
20 Elementary and Secondary Education Act of
21 1965 (20 U.S.C. 7131 et seq.).

22 (N) Part A of title V of the Elementary
23 and Secondary Education Act of 1965 (20
24 U.S.C. 7201 et seq.).

1 (O) Part B of title V of the Elementary
2 and Secondary Education Act of 1965 (20
3 U.S.C. 7231 et seq.).

4 (P) Title VI of the Elementary and Sec-
5 ondary Education Act of 1965 (20 U.S.C. 7311
6 et seq.).

7 (Q) Part B of title IX of the Elementary
8 and Secondary Education Act of 1965 (20
9 U.S.C. 7901 et seq.).

10 (R) Part C of title IX of the Elementary
11 and Secondary Education Act of 1965 (20
12 U.S.C. 7931 et seq.).

13 (S) Part A of title X of the Elementary
14 and Secondary Education Act of 1965 (20
15 U.S.C. 8001 et seq.).

16 (T) Part B of title X of the Elementary
17 and Secondary Education Act of 1965 (20
18 U.S.C. 8031 et seq.).

19 (U) Part D of title X of the Elementary
20 and Secondary Education Act of 1965 (20
21 U.S.C. 8091 et seq.).

22 (V) Part F of title X of the Elementary
23 and Secondary Education Act of 1965 (20
24 U.S.C. 8141 et seq.).

1 (W) Part G of title X of the Elementary
 2 and Secondary Education Act of 1965 (20
 3 U.S.C. 8161 et seq.).

4 (X) Part I of title X of the Elementary
 5 and Secondary Education Act of 1965 (20
 6 U.S.C. 8241 et seq.).

7 (Y) Part J of title X of the Elementary
 8 and Secondary Education Act of 1965 (20
 9 U.S.C. 8271 et seq.).

10 (Z) Part K of title X of the Elementary
 11 and Secondary Education Act of 1965 (20
 12 U.S.C. 8331 et seq.).

13 (AA) Part L of title X of the Elementary
 14 and Secondary Education Act of 1965 (20
 15 U.S.C. 8351 et seq.).

16 (BB) Part A of title XIII of the Elemen-
 17 tary and Secondary Education Act of 1965 (20
 18 U.S.C. 8621 et seq.).

19 (CC) Part C of title XIII of the Elemen-
 20 tary and Secondary Education Act of 1965 (20
 21 U.S.C. 8671 et seq.).

22 (DD) Part B of title VII of the Stewart B.
 23 McKinney Homeless Assistance Act (42 U.S.C.
 24 11421 et seq.).

25 (3) TIMELINES.—

1 (A) CENSUS DETERMINATION.—

2 (i) IN GENERAL.—Not later than 21
3 days after the beginning of an academic
4 year, each State shall conduct a census to
5 determine the number of kindergarten
6 through grade 12 students in the State for
7 the academic year.

8 (ii) SUBMISSION.—Each State shall
9 submit the number described in clause (i)
10 to the Secretary not later than February 1
11 of the academic year.

12 (B) PUBLICATION.—The Secretary shall
13 publish in the Federal Register not later than
14 March 15 of each fiscal year the amount each
15 State shall receive under this subsection for the
16 succeeding fiscal year.

17 (C) DISBURSAL.—The Secretary shall dis-
18 burse the amount awarded to a State under
19 this subsection for a fiscal year not later than
20 July 1 of the fiscal year.

21 (4) DETERMINATION OF AWARD.—From the
22 total amount made available under paragraph (2)
23 and not used to carry out paragraph (6)(B), the
24 Secretary, using the information provided under
25 paragraph (3), shall award to each State an amount

1 that bears the same relation to the total amount as
 2 the number of kindergarten through grade 12 stu-
 3 dents in the State for the academic year preceding
 4 the fiscal year bears to the total number of all such
 5 students in all States for the academic year.

6 (5) PENALTY.—If the Secretary determines
 7 that a State has knowingly submitted false informa-
 8 tion under paragraph (3) for the purpose of gaining
 9 additional funds under paragraph (1), then the
 10 State shall be fined an amount equal to twice the
 11 difference between the amount the State received
 12 under this subsection, and the correct amount the
 13 State would have received if the State had submitted
 14 accurate information under paragraph (3).

15 (6) HOLD HARMLESS.—

16 (A) IN GENERAL.—No State shall receive
 17 an award under this subsection—

18 (i) for fiscal year 1999 in an amount
 19 that is less than the amount the State
 20 would have received to carry out programs
 21 or activities under the provisions of law de-
 22 scribed in subparagraphs (A), (F), (I), (J),
 23 (L), (P) and (DD) of paragraph (2) for
 24 fiscal year 1999;

1 (ii) for fiscal year 2000 in an amount
2 that is less than 95 percent of the mini-
3 mum amount the State is eligible to receive
4 under clause (i) for fiscal year 1999;

5 (iii) for fiscal year 2001 in an amount
6 that is less than 90 percent of the mini-
7 mum amount the State is eligible to receive
8 under clause (ii) for fiscal year 2000;

9 (iv) for fiscal year 2002 in an amount
10 that is less than 85 percent of the mini-
11 mum amount the State is eligible to receive
12 under clause (iii) for fiscal year 2001; and

13 (v) for fiscal year 2003 in an amount
14 that is less than 80 percent of the mini-
15 mum amount the State is eligible to receive
16 under clause (iv) for fiscal year 2002.

17 (B) MULTIYEAR AWARDS.—The Secretary
18 shall use funds appropriated to carry out the
19 programs or activities under the provisions of
20 law described in paragraph (2) (other than sub-
21 paragraphs (A), (F), (I), (J), (L), (P) and
22 (DD) of paragraph (2)) to make payments to
23 eligible recipients under such provisions pursu-
24 ant to any multiyear award made under such

1 provisions prior to the date of enactment of this
2 Act.

3 (b) PAYMENTS AND AVAILABILITY.—

4 (1) PAYMENTS.—Funds awarded to a State
5 under this subsection shall be paid to the Governor
6 of the State.

7 (2) AVAILABILITY.—The Governor of the State
8 shall make the funds provided under this subsection
9 available to the individual or entity in the State that
10 is responsible for the State administration of Fed-
11 eral education funds pursuant to State law.

12 (c) USE OF STATE AWARDS.—

13 (1) IN GENERAL.—From the amount made
14 available to a State under subsection (a) for a fiscal
15 year, the State—

16 (A) shall use not more than 5 percent of
17 the amount to support programs or activities,
18 for kindergarten through grade 12 students,
19 that the State determines appropriate, of which
20 the State shall distribute 20 percent of the 5
21 percent to local educational agencies in the
22 State to pay the administrative expenses of the
23 local educational agencies that are associated
24 with the activities and services assisted under
25 this section; and

(B) shall distribute not less than 95 percent of the amount to local educational agencies in the State for the fiscal year to enable the local educational agencies to pay the costs of activities or services, for kindergarten through grade 12 students, that—

(i) the local educational agencies determine appropriate; and

(ii) are provided in the classroom.

(2) CLASSROOM ACTIVITIES AND SERVICES.—

For the purpose of paragraph (1)(B), the costs of activities and services provided in the classroom—

(A) exclude the administrative expenses associated with the activities and services; and

(B) subject to paragraph (1)(B)(i), include nonadministrative expenses associated with statewide or districtwide initiatives directly affecting classroom learning.

(d) REGULATIONS.—

(1) IN GENERAL.—No head of a Federal department or agency other than the Secretary may promulgate regulations under this section.

(2) CLASSROOM ACTIVITIES AND SERVICES.—

The Secretary of Education shall not issue any regu-

1 lation regarding the type of classroom activities or
2 services that may be assisted under this section.

3 (e) REPORT.—Each Governor of a State receiving as-
4 sistance under this section shall prepare and submit, not
5 later than 60 days after the date of enactment of this Act,
6 to the Committee on Labor and Human Resources of the
7 Senate and the Committee on Education and the Work-
8 force of the House of Representatives, a report that de-
9 scribes the classroom activities and services provided in
10 the State under this section.

11 **SEC. 3. TITLE I FUNDING.**

12 Section 1603 of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 6513) is amended by add-
14 ing at the end the following:

15 “(d) DOLLARS TO THE CLASSROOM.—

16 “(1) IN GENERAL.—Notwithstanding any other
17 provision of law, from the funds made available to
18 a local educational agency under this part for a fis-
19 cal year, not less than 95 percent of the funds shall
20 be used for the costs of activities and services that—

21 “(A) the local educational agency deems
22 appropriate; and

23 “(B) are provided in the classroom.

1 “(2) CLASSROOM ACTIVITIES AND SERVICES.—

2 For the purpose of paragraph (1), the costs of ac-
3 tivities and services provided in the classroom—

4 “(A) exclude the administrative expenses
5 associated with the activities and services; and

6 “(B) subject to paragraph (1)(A), include
7 nonadministrative expenses associated with
8 statewide or districtwide initiatives directly af-
9 fecting classroom learning.

10 “(3) PLAN.—Not later than 6 months after the
11 date of enactment of the Dollars to the Classroom
12 Act, the Secretary shall—

13 “(A) develop and implement a plan for
14 streamlining regulations and eliminating bu-
15 reaucracy so that 95 percent of the funds made
16 available to local educational agencies under
17 this part are used for the costs of activities and
18 services provided in the classroom; and

19 “(B) prepare and submit to Congress rec-
20 ommended legislation containing changes to
21 Federal law that are needed for 95 percent of
22 the funds to be so used.”.

1 **SEC. 4. PARTICIPATION OF CHILDREN ENROLLED IN PRI-**
 2 **VATE AND HOME SCHOOLS.**

3 Each local educational agency that receives funds
 4 under section 2 shall provide for the participation of chil-
 5 dren enrolled in private and home schools in the activities
 6 and services assisted under such section in the same man-
 7 ner as private school children participate in activities and
 8 services under the Elementary and Secondary Education
 9 Act of 1965 (20 U.S.C. 6301 et seq.) pursuant to sections
 10 14503, 14504, 14505, and 14506 of such Act (20 U.S.C.
 11 8893, 8894, 8895, and 8896).

12 **SEC. 5. DEFINITIONS.**

13 In this Act—

14 (1) the term “local educational agency” has the
 15 meaning given the term in section 14101 of the Ele-
 16 mentary and Secondary Education Act of 1965 (20
 17 U.S.C. 8801);

18 (2) the term “Secretary” means the Secretary
 19 of Education; and

20 (3) the term “State” means each of the several
 21 States of the United States, the District of Colum-
 22 bia, the Commonwealth of Puerto Rico, Guam,
 23 American Samoa, the Commonwealth of the North-
 24 ern Mariana Islands, and the United States Virgin
 25 Islands.

